

SUMMONS ISSUED

FILED

Superior Court of California
County of San Francisco

JAN 24 2013

CLERK OF THE COURT

BY: Clara BA
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

JOHN J. HUNTER,

Plaintiff,

vs.

BETHEL AME CHURCH SAN FRANCISCO,
INC., BOBBY SISK, LAWRENCE ACKER,
RANDOLPH SCOTT, DENNIS WATTS, JAMES
HOOKER, IDELL HILL and DOES 1 through
100, inclusive.

Defendants.

Case No. **CGC-13-528** 2013

COMPLAINT FOR ASSAULT, BATTERY,
INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS AND LIBEL

DEMAND FOR JURY TRIAL

BY FAX

Plaintiff, JOHN J. HUNTER ("Plaintiff"), on information and belief, alleges as follows.

JURISDICTION AND VENUE

1. The Court has personal jurisdiction over the defendants because they are residents of and/or doing business in the State of California.

2. Venue is proper in this county in accordance with Section 395(a) of the California Code of Civil Procedure because the defendants, or some of them, reside in this county, and the injuries alleged herein occurred in this county.

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1 GENERAL ALLEGATIONS

2 3. At all times mentioned herein, Plaintiff John J. Hunter was, and now is, an individual and
3 a resident of the County of Los Angeles, State of California. At all times mentioned herein, Plaintiff is
4 informed and believes that the defendants Bethel AME Church San Francisco, Inc., Bobby Sisk,
5 Lawrence Acker, Randolph Scott, Dennis Watts, James Hooker (hereinafter collectively referred to as,
6 "Defendants") and Idell Hill, were, and now are, individuals and residents of the County of San
7 Francisco, State of California.

8 4. The true name or capacities, whether individual, corporate, associate, or otherwise of the
9 defendants DOES 1 through 100 are unknown to Plaintiff at this time, who therefore sues such
10 defendants by such fictitious names, and will amend this Complaint to allege their true names and
11 capacities when ascertained. Plaintiff is informed and believes, and thereon alleges, that each of said
12 fictitiously named defendants is responsible for the occurrences herein alleged, and that Plaintiff's
13 injuries, as herein alleged, were proximately caused by said defendants.

14 5. Plaintiff is informed and believes, and thereon alleges, that each of the defendants sued
15 herein as DOES were the agents, servants, employees or employers of their co-defendant, and in doing
16 the things hereinafter alleged, were acting in the course and scope of their authority as such agents,
17 servants, employees or employers and with the permission and consent of their co-defendants.

18
19 FIRST CAUSE OF ACTION

20 (Assault)

21 (Against Defendants and DOES 1 through 25)

22 6. Plaintiff refers to the whole of the General Allegations, and by reference incorporates the
23 same herein as if set forth in full herein.

24 7. On or about November 4 2012, in San Francisco, California, Plaintiff is informed and
25 believes and on that basis alleges that the Defendants and DOES 1 through 25, intentionally, willfully,
26 wantonly and maliciously threatened to inflict harmful and offensive contact on Plaintiff including,
27 pushing and grabbing Plaintiff. Defendants, and each of them did raise their hands in such manner so as
28 to cause Plaintiff to believe he was about to be touched, struck or pushed in a harmful and offensive

1 manner. Due to Defendants' posture and statements made to Plaintiff, a reasonable person in Plaintiff's
2 position would have been offended by and in reasonable fear of, the threatened violent contact.

3 8. Defendants intended to cause and did cause Plaintiff to suffer apprehension of immediate
4 harmful and offensive contact by Defendants. The fear and apprehension that Plaintiff suffered as a
5 result of Defendants actions has caused him to incur general damages in an amount to be determined by
6 proof at trial.

7
8 SECOND CAUSE OF ACTION

9 (Battery)

10 (Against Defendants and DOES 1 through 25)

11 9. Plaintiff refers to the whole of the General Allegations, paragraphs 1 through 8 and by
12 reference incorporates the same herein as if set forth in full herein.

13 10. On or about November 4, 2012, in San Francisco, California, Plaintiff is informed and
14 believes and on that basis alleges that Defendants and DOES 1 through 25, intentionally, willfully,
15 wantonly and maliciously pushed and shoved Plaintiff in a harmful and offensive manner.

16 11. During the course of the attack by Defendants, Defendants forcefully contacted Plaintiff
17 with their hands and bodies. During the course of the altercation Defendants shoved and pushed
18 Plaintiff numerous times. Plaintiff was forced to retreat to avoid further injury.

19 12. Defendants intended to cause and did cause a harmful contact with Plaintiff's person.

20 13. Plaintiff did not consent to the Defendants' actions and injurious conduct.

21 14. As a direct and proximate result of Defendants' conduct, Plaintiff suffered injuries and
22 damages to be determined by proof at trial. Plaintiff has also suffered extreme mental anguish and
23 physical pain.

24 15. These injuries have caused Plaintiff to suffer general damages in an amount to be
25 determined by proof at trial.

26 16. As a direct and proximate result of Defendants' conduct, Plaintiff sustained injuries in an
27 amount to be determined by proof at trial and will, in the future, be compelled to incur additional
28 obligations for medical treatment in an amount to be determined by proof at trial.

1 17. As a further direct and proximate result of defendant's conduct, Plaintiff was unable to
2 work for a period of at least eight weeks and, accordingly, lost wages in an amount to be determined by
3 proof at trial.

4 THIRD CAUSE OF ACTION

5 (For Intentional Infliction of Emotional Distress)

6 (Against Defendants and DOES 1 through 50)

7 18. Plaintiff refers to the whole of the General Allegations, paragraphs 1 through 17 and by
8 reference incorporates the same herein as if set forth in full herein.

9 19. Plaintiff is informed and believes, and thereon alleges, that such acts of Defendants, and
10 DOES 1 through 50, were intentional, extreme, and outrageous. Plaintiff is further informed and
11 believes and thereon alleges, that such actions were done with the intent to cause serious emotional
12 distress or with reckless disregard of the probability of causing Plaintiff serious emotional distress.

13 20. As a direct, legal and proximate result of such acts of Defendants, DOES 1 through 100,
14 Plaintiff suffered severe emotional distress which has caused Plaintiff to sustain severe, serious and
15 permanent injuries to his person, all to his damage in a sum to be shown according to proof and within
16 the jurisdiction of the Superior Court.

17 21. As a direct, legal and proximate result of such acts of Defendants, and DOES 1 through
18 25, Plaintiff was compelled to and did employ the services of hospitals, physicians and nurses to care for
19 him and did incur medical, professional and incidental expenses.

20 22. Plaintiff is informed and believes, and thereon alleges, that he will necessarily by reason
21 of his injuries, incur additional like expenses for an indefinite period of time in the future, all to
22 Plaintiff's damage in a sum to be shown according to proof.

23 ///

FOURTH CAUSE OF ACTION

(Libel)

(Against Defendants Bethel AME Church San Francisco, Inc., Bobby Sisk, Lawrence Acker, Idella Hill
and DOES 50 through 100)

23. Plaintiff refers to the whole of the General Allegations, paragraphs 1 through 22 and by reference incorporates the same herein as if set forth in full herein.

24. on November 3, 2012 defendants Bethel AME Church San Francisco, Inc., Bobby Sisk, Lawrence Acker, Idella Hill published false statements about Plaintiff contained in Exhibit "A," Board of Stewards Resolution dated November 3, 2012 ("Resolution").

25. The Resolution included the false statement that Plaintiff had "charges" pending against him that adversely affected his ability or qualifications to become the church's pastor. The Resolution suggested that the alleged "charges" were based on some unidentified violations of the AME Church's Book of Discipline. The Resolution further demanded that a Conciliation Committee be appointed to resolve "charges" that did not, in fact, exist. The Resolution demanded that the nonexistent "charges" be resolved before Plaintiff could exercise his "Pastoral duties" as the newly appointed pastor of the church.

26. The false statement that there were "charges" pending against Plaintiff suggested and implied that these unidentified and nonexistent charges were, at least in part, the reason defendants' "rejected" Plaintiff's appointment by Bishop T. Larry Kirkland, Presiding Bishop of the Fifth Episcopal District of the AME Church, as Bethel AME Church ("Bishop Kirkland"), San Francisco, Inc.'s new pastor.

27. None of the allegations made about Plaintiff were true. In fact, it was reported that Bishop Kirkland admonished Bethel AME Church San Francisco, Inc. for rejecting Plaintiff's appointment as its pastor. It has also been reported that Bishop Kirkland further admonished defendants that Plaintiff "is a pastor in good standing" in the AME Church. Yet defendants have not withdrawn or otherwise rescinded the Resolution.

28. These defendants published these false and defamatory statements with constitutional malice in that defendants knew that the statements were false, or acted with reckless disregard for the

1 truth of these statements. Defendants knew that Plaintiff had no charges pending against him and to
2 assert as much was not reasonable.

3 29. Plaintiff is entitled to general damages for his loss of reputation, shame, mortification,
4 hurt feelings, and emotional distress in accordance with proof at trial.

5 30. Plaintiff is entitled to special damages for the damage done to his property, business,
6 trade, profession, or occupation, including amounts of money Plaintiff expended as a result of the these
7 defendants' defamatory statements and assertions. In particular, these false and defamatory statements
8 will make it very difficult for Plaintiff to obtain work in the future.

9 31. As a direct result of these defendants' wrongful acts, Plaintiff has suffered emotional
10 distress and other damage and has suffered an indelible mark on his reputation in an amount to be
11 proven at trial.

12 32. These defendants published these statements with actual malice and with the intent to
13 cause harm to Plaintiff. The statements were reckless, willful or callous disregard for Plaintiff's rights
14 and with malice, fraud or oppression toward Plaintiff, thereby entitling Plaintiff to an award of punitive
15 damages in accordance with proof at trial.

16
17 PRAYER FOR RELIEF

18 WHEREFORE, Plaintiff requests judgment against defendants as follows.

- 19 1. For general damages according to proof;
20 2. For special damages according to proof;
21 3. For exemplary and/or punitive damages;

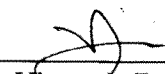
22 ///

- 1 4. For Plaintiff's cost of suit; and
- 2 5. For such other relief as the court may deem just and proper.
- 3

4 Dated: January 24, 2013

5 LAW OFFICES OF VICTOR A. BULLOCK

6
7 By


Victor A. Bullock
Attorney for Plaintiff
JOHN J. HUNTER

EX

A

Bethel African Methodist Episcopal Church of San Francisco
Board of Stewards Resolution
November 3, 2012

Whereas, Bethel AME Church of San Francisco has accomplished the mission of the AME Church by Sharing Faith, Building Lives and Developing Communities for One Hundred and Sixty years and;

Whereas, Bethel AME Church of San Francisco has rendered to the City and County of San Francisco witness and service through its varied ministries and;

Whereas, the legacy of Pastoral Leadership of Bethel AME Church, most recently provided by Rev Edgar E. Boyd, has established an unquestioned reputation and effective partnerships with community, religious, governmental agencies and other institutions built on the principles of trust, accountability and integrity and;

Whereas, during the 2012 meeting of Southern California Annual Conference of the Fifth District of the AME Church, it was announced on October 28, 2012 that the Rev John J. Hunter would be transferred from First AME Church of Los Angeles in the Southern California Conference to Bethel AME Church of San Francisco in the California Conference and;

Whereas, this announced Pastoral transfer and appointment has and will severely disturb the peace of the Officers and Members of Bethel AME Church of San Francisco and can impair the legacy, reputation, relationships and goodwill of Bethel AME Church of San Francisco among its community, religious, governmental agency and other institutional partners;

Be It Therefore Resolved, that the Board of Stewards rejects the appointment of Rev John J. Hunter and urgently demands that, Bishop T. Larry Kirkland - Presiding Bishop of the Fifth Episcopal District of the AME Church, on behalf of the Trustees, Other Officers and Members of Bethel AME Church of San Francisco, that a Conciliation Committee be immediately appointed, in accordance with Part XI, Sections I and II, pages 282 - 284 of *The Book of Discipline of the African Methodist Episcopal Church, 2008* to review the charges, issues and concerns raised by the announced appointment of the Rev John J. Hunter;

Be It Further Resolved, that until the Conciliation Committee is appointed, reviews, deliberates and resolves the charges, issues and concerns of the Officers and Members of Bethel AME Church of San Francisco that the Rev John J. Hunter be stayed prohibited from exercising any Pastoral duties, as described in Part V, Section VI pages 112-120 of *The Book of Discipline of the African Methodist Episcopal Church, 2008*, at Bethel AME Church of San Francisco.

Bethel African Methodist Episcopal Church of San Francisco
Board of Stewards Resolution
November 3, 2012

Be It Further Resolved, that a copy of this resolution be personally delivered to Rev John J. Hunter on Saturday November 3, 2012 with a demand that he not seek to exercise any Pastoral duties as described in Part V, Section VI pages 112-120 of *The Book of Discipline of the African Methodist Episcopal Church, 2008*, at Bethel AME Church of San Francisco beginning on Sunday November 4, 2012.

And Be It Further Resolved, that copies of this resolution be delivered to Reverend Dr. W. Bartalette Finney, Sr., Presiding Elder San Francisco – Sacramento District of the California Conference, The Right Reverend Theodore L. Kirkland, Sr. Presiding Bishop, Fifth District of the African Methodist Episcopal Church and retained in the archives of the Bethel African Methodist Episcopal Church of San Francisco, California.

Date Adopted November 3, 2012

Signed on Behalf of the Board of Stewards and Members of Bethel AME Church.

Lawrence Acker
Chair Pro Tem

Idela Hill, Secretary

Bethel AME Church,
San Francisco

CC: Reverend Dr. W. Bartalette Finney, Sr., Presiding Elder
San Francisco Sacramento District of the California Conference,
The Right Reverend Theodore L. Kirkland, Sr. Presiding Bishop,
Fifth District African Methodist Episcopal Church

Bobby Sisk, Sr., Chair
Pastoral Transition Committee
Bethel AME Church San Francisco